

110TH CONGRESS
1ST SESSION

S. 947

To modernize the Federal Housing Administration to meet the housing needs
of the American people.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2007

Mrs. CLINTON introduced the following bill; which was read twice and referred
to the Committee on Banking, Housing, and Urban Affairs

A BILL

To modernize the Federal Housing Administration to meet
the housing needs of the American people.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “21st Century Housing
5 Act”.

6 **SEC. 2. INVESTMENT IN FHA INFRASTRUCTURE.**

7 (a) HUMAN RESOURCES AND FUNDING.—Section
8 502(a) of the Housing Act of 1948 (12 U.S.C. 1701c(a))
9 is amended—

1 (1) by striking “The Secretary of Housing and
2 Urban Development” and inserting the following:

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), the Secretary of Housing and Urban De-
5 velopment”; and

6 (2) by adding at the end the following:

7 “(2) ADMINISTRATION OF FHA PROGRAMS.—

8 “(A) OFFICE PERSONNEL.—

9 “(i) APPOINTMENT.—In carrying out
10 any program through the Federal Housing
11 Administration (in this section referred to
12 as the ‘Administration’), the Secretary
13 may appoint and fix the compensation of
14 such officers and employees of the Admin-
15 istration as the Secretary considers nec-
16 essary.

17 “(ii) COMPENSATION.—Any officer or
18 employee appointed under clause (i) may
19 be paid without regard to the provisions of
20 chapter 51 and subchapter III of chapter
21 53 of title 5, United States Code, relating
22 to classification and General Schedule pay
23 rates.

24 “(B) COMPARABILITY OF COMPENSATION
25 WITH FEDERAL BANKING AGENCIES.—In fixing

1 and directing compensation under subpara-
2 graph (A), the Secretary shall consult with, and
3 maintain comparability with the compensation
4 of officers and employees of the Federal De-
5 posit Insurance Corporation.

6 “(C) PERSONNEL OF OTHER FEDERAL
7 AGENCIES.—In carrying out the duties of the
8 Administration, the Secretary may use informa-
9 tion, services, staff, and facilities of any Federal
10 executive agency, independent agency, or de-
11 partment on a reimbursable basis, with the con-
12 sent of such agency or department.

13 “(D) OUTSIDE EXPERTS AND CONSULT-
14 ANT.—In carrying out the duties of the Admin-
15 istration, the Secretary may procure temporary
16 and intermittent services under section 3109(b)
17 of title 5, United States Code.

18 “(E) USE OF PREMIUM-GENERATED IN-
19 COME.—To the extent that income derived in
20 any fiscal year from premium fees charged
21 under section 203(c) of the National Housing
22 Act (12 U.S.C. 1709(c)) are in excess of the
23 level of income estimated for that fiscal year for
24 such premium fees and assumed in the baseline
25 projection prepared by the Director of the Of-

1 fice of Management and Budget for inclusion in
 2 the President’s annual budget request, not
 3 more than \$82,000,000 of such excess amounts
 4 may be used from such amounts for the pur-
 5 pose of carrying out this paragraph.”.

6 (b) INFORMATION TECHNOLOGY INVESTMENT.—Sec-
 7 tion 502(a) of the Housing Act of 1948 (12 U.S.C.
 8 1701c(a)), as amended by subsection (a), is amended by
 9 adding at the end the following:

10 “(3) INFORMATION TECHNOLOGY.—

11 “(A) IN GENERAL.—In carrying out any
 12 program through the Administration, the Sec-
 13 retary may utilize such funds as are available
 14 under subparagraph (B) to ensure that an ap-
 15 propriate level of investment in information
 16 technology is maintained in order for the Sec-
 17 retary to upgrade its technology systems.

18 “(B) USE OF PREMIUM-GENERATED IN-
 19 COME.—To the extent that income derived from
 20 premium fees charged under section 203(c) of
 21 the National Housing Act (12 U.S.C. 1709(c))
 22 are in excess of the level of income estimated
 23 for that fiscal year for such premium fees and
 24 assumed in the baseline projection prepared by
 25 the Director of the Office of Management and

1 Budget for inclusion in the President’s annual
 2 budget request, not more than \$72,000,000 of
 3 such excess amounts may be used from such
 4 amounts for the purpose of carrying out this
 5 paragraph.”.

6 **SEC. 3. EXTENSION OF MORTGAGE TERM AUTHORITY.**

7 Section 203(b)(3) of the National Housing Act (12
 8 U.S.C. 1709(b)(3)) is amended—

9 (1) by striking “thirty-five years” and inserting
 10 “50 years”; and

11 (2) by striking “(or thirty years if such mort-
 12 gage is not approved for insurance prior to construc-
 13 tion)”.

14 **SEC. 4. DOWNPAYMENT FLEXIBILITY.**

15 Section 203(b)(9) of the National Housing Act (12
 16 U.S.C. 1709(b)(9)) is amended by striking “(9)” and all
 17 that follows through “*Provided further*, That for” and in-
 18 serting the following:

19 “(9) Be executed by a mortgagor who shall
 20 have paid on account of the property, in cash or its
 21 equivalent, an amount, if any, as the Secretary may
 22 determine, based on factors determined by the Sec-
 23 retary and commensurate with the likelihood of de-
 24 fault. For”.

1 **SEC. 5. MORTGAGE INSURANCE FLEXIBILITY.**

2 Section 203(c)(2) of the National Housing Act (12
3 U.S.C. 1709(c)(2)) is amended—

4 (1) in subparagraph (A)—

5 (A) by striking the first sentence and in-
6 serting “The Secretary shall establish and col-
7 lect, at the time of insurance, a single premium
8 payment, in such amount as the Secretary may
9 determine, based on factors determined by the
10 Secretary and commensurate with the likelihood
11 of default of the homebuyer. Such premium
12 payment shall be in an amount not to exceed 3
13 percent of the amount of the original insured
14 principal obligation of the mortgage.”; and

15 (B) by striking the second sentence; and

16 (2) in subparagraph (B), by striking “0.50 per-
17 cent” and inserting “1 percent”.

18 **SEC. 6. INNOVATION FOR NEW PROJECTS.**

19 Section 203 of the National Housing Act (12 U.S.C.
20 1709) is amended by adding at the end the following:

21 “(y) WAIVER FOR NEW PRODUCT INITIATIVES.—

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of law, and subject to the limitation under
24 paragraph (2), the Secretary may waive such re-
25 quirements of this section as the Secretary deter-
26 mines appropriate for any new product initiative.

1 “(2) LIMITATION.—For all new product initia-
 2 tives in any fiscal year, the Secretary may allocate
 3 an amount equal to not more than 10 percent of the
 4 amount necessary to carry out the insurance of
 5 mortgages under this section for the prior fiscal
 6 year.”.

7 **SEC. 7. MAXIMUM MORTGAGE AMOUNT LIMIT FOR MULTI-**
 8 **FAMILY HOUSING IN HIGH-COST AREAS.**

9 Sections 207(c)(3), 213(b)(2)(B)(i),
 10 220(d)(3)(B)(iii)(III), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II),
 11 231(c)(2)(B), and 234(e)(3)(B) of the National Housing
 12 Act (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i),
 13 1715k(d)(3)(B)(iii)(III), 1715l(d)(3)(ii)(II),
 14 1715l(d)(4)(ii)(II), 1715v(c)(2)(B)), and 1715y(e)(3)(B))
 15 are each amended—

16 (1) by striking “140 percent” each place that
 17 term appears and inserting “170 percent”; and

18 (2) by striking “170 percent” each place that
 19 term appears and inserting “215 percent”.

20 **SEC. 8. FHA SINGLE FAMILY HOUSING MAXIMUM MORT-**
 21 **GAGE LIMIT.**

22 Section 203(b)(2)(A) of the National Housing Act
 23 (12 U.S.C. 1709(b)(2)(A)) is amended—

24 (1) in clause (i), by striking “95 percent” and
 25 inserting “100 percent”;

1 (2) in clause (ii)—

2 (A) by striking “87 percent” and inserting
3 “100 percent” ; and

4 (B) by striking “for Fiscal Year” and in-
5 serting a comma; and

6 (3) by moving subparagraph (A), including
7 clauses (i) and (ii) of such subparagraph, 2 ems to
8 the right.

9 **SEC. 9. INCREASE IN FHA FINANCIAL INTEGRITY.**

10 Section 205(f)(2) of the National Housing Act (12
11 U.S.C. 1711(f)(2)) is amended by striking “2.0 percent”
12 and inserting “3.0 percent”.

13 **SEC. 10. INSURANCE OF CONDOMINIUMS.**

14 (a) IN GENERAL.—Section 234 of the National
15 Housing Act (12 U.S.C. 1715y) is amended—

16 (1) in subsection (c)—

17 (A) in the first sentence—

18 (i) by striking “and” before “(2)”;
19 and

20 (ii) by inserting before the period at
21 the end the following: “, and (3) the
22 project has a blanket mortgage insured by
23 the Secretary under subsection (d)”; and

1 (B) in clause (B) of the third sentence, by
 2 striking “thirty-five years” and inserting “forty
 3 years”; and

4 (2) in subsection (g), by striking “, except
 5 that” and all that follows and inserting a period.

6 (b) DEFINITION OF MORTGAGE.—Section 201(a) of
 7 the National Housing Act (12 U.S.C. 1707(a)) is amend-
 8 ed—

9 (1) in clause (1), by striking “or” and inserting
 10 a comma; and

11 (2) by inserting before the semicolon the fol-
 12 lowing: “, or (3) a first mortgage given to secure the
 13 unpaid purchase price of a fee interest in, or long-
 14 term leasehold interest in, a one-family unit in a
 15 multifamily project, including a project in which the
 16 dwelling units are attached, semi-detached, or de-
 17 tached, and an undivided interest in the common
 18 areas and facilities which serve the project”.

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